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State Supreme Court rules Richland woman can proceed in negligence case

Kristin M. Kraemer, Tri-City Herald

A Richland woman who claims her chances of recovering from a stroke in 2004 were hampered by the negligent care of three doctors and Kadlec Regional Medical Center should be able to take her case to trial, the state Supreme Court ruled Thursday.

A Benton County Superior Court judge ended Linda Mohr's medical malpractice lawsuit in April 2009, saying she did not show how she might have had a better outcome if the medical treatment had been different.

Linda Mohr, now 68, is permanently brain damaged. A quarter to a third of her brain tissue was destroyed by a car accident-induced stroke, which has affected her motor control, sensation and spatial reasoning, according to the Supreme Court's majority opinion.

The Mohrs "claim that negligent treatment by her health care providers diminished her chances of avoiding or greatly minimizing her disability," the opinion said. "In other words, they claim that negligence caused Mrs. Mohr a loss of the chance of a better outcome."

Mohr and her husband Charles appealed Judge Vic VanderSchoor's dismissal of their suit, and six justices in a majority opinion reversed the lower court order after finding that the Mohrs had "the requisite elements of proof." The case will return to Superior Court.

Three Washington Supreme Court justices dissented.

The lawsuit filed in 2007 names Drs. Dale C. Grantham, Brian J. Dawson and Brooks Watson II, along with Kadlec and Northwest Emergency Physicians.

The Mohrs say the doctors failed to timely diagnose Linda Mohr after she initially had a diabetic reaction and wrecked her car.

On Aug. 31, 2004, Mohr was driving east on Gage Boulevard at 3 p.m. when she suffered a hypoglycemic problem behind the wheel.

Kennewick police at the time reported that Mohr was unconscious when she hit several cars in her path, drove her car on and off the sidewalk near Steptoe Street, ran over some bushes and nearly hit a bicyclist. Mohr's car ended up hitting a light pole near Grandridge Boulevard.

Court documents show she was going about 45 mph when she crashed.

Mohr, who suffered cuts to her face, was taken by ambulance to the Richland emergency room. Grantham was in charge of Mohr's care that day, and was responsible for overseeing and authorizing a number of tests.

Mohr was given a neurological test when she arrived at the hospital about 4 p.m., and a scan of her brain was done an hour later, the opinion said. The results were normal, but "Mohr reported and was observed to have neurological symptoms, including being wobbly on her feet and having severe pain after being administered pain medication," the opinion said.

Grantham reportedly told one of the patient's sons, Dr. Brandt Mohr, in a phone conversation that he would do another neurological test before discharging her. That never was done by Grantham, who instead prescribed a drug and sent Mohr home with her husband, court documents said.

Mohr apparently couldn't walk by herself to the car and once home had to be carried to bed.

They did not receive any instructions with specific information about head injuries.

The next day at 7 a.m., she was taken by ambulance back to Kadlec because Charles Mohr was concerned that his wife still was lethargic.

Dawson was the attending emergency room physician that morning and by 9:30 a.m., diagnosed Mohr as having a stroke.

An MRI exam confirmed the stroke, but Dawson didn't provide any treatment or therapy, documents said.

Mohr was transferred a couple hours later to the intermediate care unit and put under Watson's care.

Meanwhile, Mohr's two sons, who are medical doctors, arrived at Kadlec to be with their mother, and tried to get Dawson and later Watson to order a CT angiogram.

That wasn't done until 2:30 p.m. after the sons had Watson repeatedly paged.

And though the results were available at 3:27 p.m., Watson was not found or told for another 1 1/2 hours that it showed a dissected carotid artery, court documents said. Watson still reportedly did not order someone to give the necessary therapy or treatment.

He prescribed aspirin for her at 2 p.m., but didn't order it to be given to her. Mohr finally received aspirin just before 6 p.m. as she was being moved to Harborview Medical Center in Seattle as arranged by her sons, documents said.

The Mohrs claim she received "far below the recognized standard of care," which diminished her chance of recovery.

Their lawsuit includes testimony from their two sons and two other doctors, along with expert opinions that if Linda Mohr had received proper treatment between Aug. 31 and Sept. 1, 2004, "she would have had a 50- to 60-percent chance of a better outcome," the opinion cited. "The better outcome would have been no disability or, at least, significantly less disability."

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